

REMARKS

In response to the Office Action mailed April 26, 2005, Applicants respectfully request reconsideration. Claims 1 to 20 are pending for examination, of which claims 1, 9, 17 and 19 are independent claims. In this amendment, claims 1, 3, 9 and 12 have been amended solely to address informalities noted in the claims, and not to overcome any prior art of record. Additionally, the specification has been amended as discussed below. The application as now presented is believed to be in allowable condition.

A. Specification

Applicants have amended the priority claim references listed in the "Cross References to Related Applications" section of the specification. During a review of the application file history while preparing this Amendment, and pursuant to discussions with representatives of the current assignee of record (Color Kinetics, Inc.), it was noted that the priority claim was incomplete. Accordingly, the specification has been amended to include additional references in the priority claim. Applicants have enclosed herewith a Petition Under 37 CFR 1.78(a)(3) for Acceptance of an Unintentionally Delayed Claim for Priority Under 35 U.S.C. §120, together with this Amendment, a Statement that the amended benefit claim is unintentionally delayed, and the required surcharge.

B. Claim Rejection under 35 U.S.C. §112, ¶ 2

On page 2 of the Office Action, claim 3 was rejected under the second paragraph of 35 U.S.C. §112. As indicated above, Applicants have amended claim 3 to address the noted antecedent basis issue. Applicants therefore respectfully request withdrawal of the § 112 rejection.

C. Claim Rejections under 35 U.S.C. § 102 and § 103(a)

Claims 17 and 19 were rejected under 35 U.S.C. § 102(e) over Cline (U.S. Patent No. 6,821,245); claims 1 and 9 were rejected under 35 U.S.C. § 103(a) over Cline; claims 2, 3, 10 and 11 were rejected under 35 U.S.C. § 103(a) over Cline in view of Kim (U.S. Patent No. 6,702,734); claims 4 to 8 and 13 to 16 were rejected under 35 U.S.C. § 103(a) over Cline in view of Kim and Ruegg (U.S. Patent No. 6,626,824); and claims 18 and 20 were rejected under 35 U.S.C. § 103(a) over Cline in view of Wang (U.S. Patent No. 6,646,541).

Applicants respectfully submit that the Cline reference is not prior art, and that each of the foregoing rejections therefore is improper. In particular, the Cline reference was filed on July 13, 2001 and claims priority to U.S. Serial No. 09/615,965, which was filed on July 14, 2000. However, Applicants' earliest effective filing date predates that of Cline. As such, the Cline reference is not prior art under § 102(e) or § 103(a). Accordingly, Applicants respectfully request withdrawal of all current claim rejections.


D. Conclusion

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' representative at the telephone number indicated below to discuss any outstanding issues relating to the allowability of the application.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 06-1448, reference CKB-122.01.

Respectfully submitted,

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